

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEBRASKA

UNITED STATES OF AMERICA,

Plaintiff,

vs.

CAYLA PRITCHARD,

Defendant.

8:20CR221

ORDER

This matter is before the Court on Defendant's motion for compassionate release. [Filing No. 64](#). The defendant seeks a reduction of sentence pursuant to 18 U.S.C. § 3582(c)(1)(A) as amended by Section 603 of the First Step Act, Pub. L. No. 115-391, 132 Stat. 5194 (2018). In Section 603 of the First Step Act, Congress amended 18 U.S.C. § 3582(c)(1)(A) to permit defendants to move a sentencing court for compassionate release "after the defendant has fully exhausted all administrative rights to appeal a failure of the Bureau of Prisons to bring a motion on the defendant's behalf or the lapse of 30 days from the receipt of such a request by the warden of the defendant's facility, whichever is earlier." Under the law, it matters not that the COVID-19 pandemic creates a great health risk to many prisoners. Administrative exhaustion under the Act is a jurisdictional prerequisite to this Court in deciding if compassionate relief should be granted.

The defendant has not exhausted her administrative remedies in the prison system. The Court shall give the defendant 45 days from the date of this Order to file such an exhaustion request with the Bureau of Prisons. The Court notes that the defendant has already indicated her plan for release. The Court shall give the

government and the public defender 30 days after defendant shows exhaustion to file a brief in response, and the United States Probation Office will have 30 days to file its report and conduct a home inspection.

THEREFORE, IT IS ORDERED THAT:

1. The defendant shall have 45 days from the date of this order to provide the Court with information regarding exhaustion.
2. The Federal Public Defender's office, Dave Stickman, is appointed to represent the defendant and file any appropriate documents or briefs within 30 days of the defendant's response to #1 above.
3. The United States Attorney's office shall have 30 days from the date the defendant files her report as set forth in #1 above to file an appropriate brief.
4. The United States Probation Office, Aaron Kurtenbach, is ordered to review the defendant's motion, Bureau of Prison records, and file an investigative report within 30 days of the date defendant files her information set forth in #1 above. The Probation Office shall likewise do a home assessment prior to filing said report.

Dated this 27th day of August, 2024.

BY THE COURT:

s/ Joseph F. Bataillon
Senior United States District Judge